

AMENDED IN ASSEMBLY APRIL 19, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 503

**Introduced by Assembly Member Swanson
(Coauthor: Assembly Member Price)**

February 20, 2007

An act to add Section ~~512.6 to the Labor Code~~ 19851.5 to, and to add Article 2.9 (commencing with Section 53249) to Chapter 2 of Part 1 of Division 2 of Title 5 of, the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 503, as amended, Swanson. Public agencies: overtime: notice.

Existing law generally regulates the working hours of public and private employees. Existing law provides that 8 hours constitutes a day's work, except as specified.

This bill would prohibit a ~~public~~ *state or local* agency, as defined, from requiring any employee entitled to receive overtime compensation pursuant to any federal statute or regulation to perform services outside the employee's normal work schedule unless a minimum of 8 hours' written notice of that work assignment has been provided to the employee. The bill would provide that this notice requirement shall not apply in the event of an operational emergency, *and would allow a state or local agency to adopt a reasonable rule defining operational emergency. The bill would provide that these provisions shall not affect any rule in effect prior to January 1, 2008, or any negotiated*

memorandum of understanding, that provides for a notice of overtime assignments.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 19851.5 is added to the Government Code,*
2 *to read:*

3 *19851.5. (a) A state agency shall not require a state employee*
4 *entitled to receive overtime compensation pursuant to any federal*
5 *statute or regulation to perform services outside the employee's*
6 *normal work schedule unless a minimum of eight hours' written*
7 *notice of that work assignment has been provided to the employee.*
8 *The notice requirement under this subdivision shall not apply in*
9 *the event of an operational emergency. The state agency may adopt*
10 *a reasonable rule defining operational emergency, subject to the*
11 *state's obligation to meet and confer concerning the definition*
12 *with a recognized employee organization representing any unit of*
13 *affected employees.*

14 *(b) This section shall not affect any rule in effect prior to*
15 *January 1, 2008, or any negotiated memorandum of understanding,*
16 *that provides for a notice of overtime assignments.*

17 *SEC. 2. Article 2.9 (commencing with Section 53249) is added*
18 *to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government*
19 *Code, to read:*

20

21 *Article 2.9. Overtime Notice*

22

23 *53249. (a) A local agency shall not require an employee*
24 *entitled to receive overtime compensation pursuant to any federal*
25 *statute or regulation to perform services outside the employee's*
26 *normal work schedule unless a minimum of eight hours' written*
27 *notice of that work assignment has been provided to the employee.*
28 *The notice requirement under this subdivision shall not apply in*
29 *the event of an operational emergency. The local agency may adopt*
30 *a reasonable rule defining operational emergency, subject to the*
31 *local agency's obligation to meet and confer concerning the*
32 *definition with a recognized employee organization representing*
33 *any unit of affected employees.*

1 ***(b) This section shall not affect any rule in effect prior to***
2 ***January 1, 2008, or any negotiated memorandum of understanding,***
3 ***that provides for a notice of overtime assignments.***

4 ***(c) For purposes of this section, “local agency” means any***
5 ***political subdivision of the state, including any city, county, city***
6 ***and county, or special district.***

7 ~~SECTION 1. Section 512.6 is added to the Labor Code, to~~
8 ~~read:~~

9 ~~512.6. (a) A public agency shall not require an employee~~
10 ~~entitled to receive overtime compensation pursuant to any federal~~
11 ~~statute or regulation to perform services outside the employee’s~~
12 ~~normal work schedule unless a minimum of eight hours’ written~~
13 ~~notice of that work assignment has been provided to the employee.~~
14 ~~The notice requirement under this subdivision shall not apply in~~
15 ~~the event of an operational emergency.~~

16 ~~(b) For purposes of this section, “public agency” means the state~~
17 ~~and any political subdivision of the state, including any city,~~
18 ~~county, city and county, or special district.~~